

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

KENNETH LOWE,)	
)	
Petitioner,)	
)	
v.)	Case No. CV409-010
)	
UNNAMED DEFENDANT,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Petitioner Kenneth Lowe’s 28 U.S.C. § 2241 habeas petition was transferred from the Northern District of Georgia to this Court on January 16, 2009.¹ (Doc. 3.) Upon receiving the petition, the Court noted that Lowe had not submitted a filing fee or motion to proceed in forma pauperis. Consequently, it directed the Clerk to send petitioner a packet containing a deficiency notice and the Court’s standard in forma pauperis motion. The deficiency notice directed Lowe to submit the filing fee or in forma pauperis motion by April 24, 2009. He did not comply and has apparently abandoned his claim. Accordingly, this case should be **DISMISSED** without prejudice

¹ The Northern District construed Lowe’s “Motion for Interlocutory Appeal Bond” as a petition filed pursuant to 28 U.S.C. § 2241. (Doc. 2.)

for failure to pay the filing fee or move to proceed IFP. *See* Rule 3(a), Rules Governing Section 2254 Cases in the United States District Courts (applicable to § 2241 petitions through Rule 1(b)); 28 U.S.C. § 1914(a).

SO REPORTED AND RECOMMENDED this 8th day of May, 2009.

/s/ G.R. SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA